

## REMARKS

Applicant respectfully requests consideration of the subject application.

### Office Action Objections/Rejections Summary

Claims 1 – 24 have been objected to under 37C.R.F. § 1.75(a) because they do not distinctly claim the subject matter which Applicants regard as their invention. The Examiner has stated the following:

All of the independent claims include a preamble describing “for controlling tasks performed on network cards.” However, the remainder of each of these claims fails to mention any steps regarding network cards, tasks, or controlling tasks on network cards. Therefore, the claims lack sufficient nexus between the function claimed in the preamble and the steps claimed in the body. The dependent claims depend from the independent claims, and include the same lack of nexus.

Claim 20 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner has stated the following:

In considering claim 20, the phrase “synchronizing the primary and secondary controllers” on line 5 of the claim lacks antecedent basis and is therefore unclear.

Claims 1 – 3, 6, 12 – 14, and 17 – 19 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,457,056 to Choi (hereinafter “Choi”). Claims 1 – 2, 4 – 12, 14 – 17, and 19 – 24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,650,640 to Muller et al. (hereinafter “Muller”). Claim 22 has been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,363,423 to Chiles et al. (hereinafter “Chiles”).

### Status of Claims

Claims 1, 6, 7, 11, 12, 14 – 17, and 19 – 22 have been amended. In particular the preambles of claims 1, 6, 7, 11, 12, 14 – 17, and 19 – 22 have been amended to overcome

the objection under 37C.R.F. § 1.75(a). Claim 20 has been amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. The amendments are supported by the specification and no new matter has been added. No claims have been canceled or added. As such, claims 1 – 24 remain pending in this application. Applicant reserves all rights with respect to the application of the doctrine of equivalents.

#### Rejections Under 35 U.S.C. § 102 (e)

Claims 1 – 3, 6, 12 – 14, and 17 – 19 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Choi. Applicant respectfully submits that claims 1 – 3, 6, 12 – 14, and 17 – 19 are patentable over Choi. Choi discloses a network interface card controller which is controlled by a central processing unit. In particular, Choi includes the following disclosure:

Referring to FIG. 4, the present invention comprises a digital highway switching unit 203, a digital relay unit 207, a CAS protocol process unit 206, and a CCS protocol process unit 205 in a single board 200 for **performing the network interface and the protocol process respectively in a single card**. And it is further comprises a call control unit 204 of controlling the network interface and the protocol process unit and several types of protocols between the upper application layers regardless of protocol types of the network interface and the protocol process unit. The call control unit 204 uses a standard interface indicating whether the process succeeds or not about a protocol process request and the requested protocol process result through the system bus. Here, the call control unit 204 manages a call process state about a line management of each C and a wanted protocol (channel association signaling (CAS) or common channel signaling (CCS) protocol) and controls an allocation and a release of the trunk channel and has an internal control logic in order to a switching operation about the digital highway.

(emphasis added) (Choi, col. 4, lines 53 – 67, and FIG. 4).

Choi also includes the following disclosure:

The standard interface about the CAS protocol process which is provided between the call control means and the upper application layer of the MPC, comprises a setup request interface (setup req.(request)) of requesting from the upper application layer of the MPC to the NIC that the upper application layer requests a call to the NIC and a setup indication

interface(setup ind.(indication)) of reporting that a new call is requested from the network, an alert request interface(alert req.) of requesting that the upper application layer reports a current calling state to the NIC and an alert indication interface(alert ind.) of reporting that the current calling state signal is received from the network, from the NIC to the upper application layer, a connection request interface(connect req.) of requesting that the upper application layer requests a call connection to the NIC and a connecting indication interface(connect ind.) of reporting that the call is answered in the network from the NIC to the upper application layer, a release request interface(release req.) of requesting that the upper application layer requests a call release to the NIC and a release indication interface(release ind.) of reporting that the call is released from the NIC to the upper application layer, a reset request interface(reset ind.) of requesting that the upper application layer requests a call initialization to the NIC and a reset indication interface(reset ind.) of reporting that the call is initialized from the NIC to the upper application layer, and a block request interface(block req.) of requesting that the upper application layer requests a channel block to the NIC and a block indication interface(block ind.) of reporting the channel block from the NIC to the upper application layer.

(Choi, col. 5, lines 50 – 67, and col. 6, lines 1 – 14, and FIG. 6).

As such, **nothing in Choi discloses a network card having separate active cards or standby cards for transitioning between different states.** In contrast, independent claims 1, 6, 12, 14, 17, and 19 each include the limitation of transitioning applications from an active card to a standby card. Therefore, applicant respectfully submits that claims 1, 6, 12, 14, 17, and 19 are not anticipated by Choi under 35 U.S.C. § 102 (e) and request removal of the rejection. Claims 2 – 3 depend from independent claim 1, claim 13 depends from independent claim 12, and claim 18 depends from independent claim 17 and as such, these dependent claims include all the limitations of the base claim from which they depend. Accordingly, claims 2 – 3, 13, and 18 are also not anticipated by Choi under 35 U.S.C. § 102(e) and request removal of the rejection.

Claims 1 – 2, 4 – 12, 14 – 17, and 19 – 24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Muller. Applicant respectfully submits that claims 1 – 2, 4 – 12, 14 – 17, and 19 – 24 are patentable over Muller. Muller discloses a method for

managing network flow through a network interface. In particular, Muller includes the following disclosure:

NIC receives a packet from a network on behalf of a host computer system or other communication device. The NIC analyzes the packet (e.g., by retrieving certain fields from one or more of its protocol headers) and takes action to increase the efficiency with which the packet is transferred or provided to its destination entity. One technique that may be applied to incoming network traffic involves examining or parsing one or more headers of an incoming packet (e.g., headers for the layer two, three and four protocols) in order to identify the packet's source and destination entities and possibly retrieve certain other information. Using identifiers of the communicating entities as a key, data from multiple packets may be aggregated or re-assembled. Typically, a datagram sent to one destination entity from one source entity is transmitted via multiple packets. Aggregating data from multiple related packets (e.g., packets carrying data from the same datagram) thus allows a datagram to be re-assembled and collectively transferred to a host computer. The datagram may then be provided to the destination entity in a highly efficient manner. For example, rather than providing data from one packet at a time (and one byte at a time) in separate "copy" operations, a "page-flip" operation may be performed. In a page-flip, an entire memory page of data may be provided to the destination entity, possibly in exchange for an empty or unused page.

(Muller, col. 7, lines 20 – 50)

As such, nothing in Muller **discloses a network card having separate active cards or standby cards for transitioning between different states**. In contrast, independent claims 1, 6, 7, 11, 12, 14 – 17, and 19 – 22 each include the limitation of transitioning applications from an active card to a standby card. Therefore, applicant respectfully submits that claims 1, 6, 7, 11, 12, 14 – 17, and 19 – 22 are not anticipated by Muller under 35 U.S.C. § 102 (e) and request removal of the rejection. Claims 2 – 3 depend from independent claim 1, claims 8 – 11 depend from independent claim 7, claim 13 depends from independent claim 12, and claim 18 depends from independent claim 17, and claims 23 – 24 depend from independent claim 22 and as such, these dependent claims include all the limitations of the base claim from which they depend. Accordingly, claims 2 – 3, 8 – 11, 13, 18 and 23 – 24 are also not anticipated by Muller under 35 U.S.C. § 102 (e) and request removal of the rejection.

Claim 22 has been rejected under 35 U.S.C. § 102(e) as being anticipated by Chiles. Applicant respectfully submits that claim 22 is patentable over Chiles. Chiles discloses a method for assigning a unique MAC address to a network adaptor card. In particular, Chiles includes the following disclosure:

The network adapter card 30 in FIG. 1 is a network interface card that does not require media access control. Therefore, it is not assigned a media access control address. Nevertheless, the protocols and tools that may be used in conjunction with the network adapter card 30 are subject to changes and modifications that may require it to have a MAC address. One advantage of embodiments of the present invention is that the network adapter card 30 may be updated to include a MAC address, or any other such type of network address, without requiring the user to remove the card 30 from the computer system 10. The network adapter card 30 includes a non-volatile memory 36 for storing programs and data for communications functions performed on the network adapter card 30. The non-volatile memory 36 may include any non-volatile memory device, such as, a flash memory, an electrically erasable programmable read-only memory, etc. The non-volatile memory 36 may store a MAC address that may be assigned to the network adapter card 30. The computer system 10 includes an adapter driver 16 for controlling the network adapter card 30. The adapter card 16 includes an address program 18 that determines whether the network adapter card 30 has a MAC address assigned to it. The address program 18 may also store a MAC address that has been assigned to the network adapter card 30 in the non-volatile memory 36. The address program 18 stores, or burns, the MAC address in the non-volatile memory 36 using whatever technique is appropriate for the particular non-volatile memory device.


(Chiles, col. 6, lines 13 – 42, and FIG. 1).

As such, nothing in Chiles discloses a network card having separate active cards or standby cards for transitioning between different states. In contrast, independent claim 22 includes the limitation of transitioning applications from an active card to a standby card. Therefore, applicant respectfully submits that claim 22 is not anticipated by Chiles under 35 U.S.C. § 102 (e) and request removal of the rejection.

If the allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Suk Lee at (408) 720-8300. If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,  
Blakely, Sokoloff, Taylor & Zafman LLP

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date indicated below with sufficient postage addressed to:

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Commissioner For Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*Judy L. Steinkraus*  
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*01/25/2005*

Application No.: 09/724,629 Filing Date: 11/28/2000 Docket No.: 81862.P184  
Date Mailed: 01/25/2005 Due Date: 01/25/2005 Atty/Sec: LJV SSL jxs  
Client: Cisco Technology, Inc.  
Title: METHOD AND SYSTEM FOR CONTROLLING TASKS ON NETWORK CARDS  
First Named Inventor: Alex Truong, et al.

*The following has been received in the U.S.P.T.O. on the date stamped hereon:*

Transmittal Letters & Certificate of Mailing

- ☒ Transmittal Letter  
☒ Fee Transmittal (original & copy)  
☐ RCE (Request for Continued Examination)  
☐ Transmittal of Formal Drawings  
☐ Issue Fee Transmittal (original & copy)  
☒ Certificate of Mailing  
☐ Express Mail No.:

Missing Parts, Formal Papers

- ☐ Response to Notice of Missing Parts  
Assignment & Cover sheet (\_\_\_\_ pgs.)  
☐ Declaration & POA (\_\_\_\_ pgs.)

Amendment / Response

- ☒ Amendment/Response (15 pgs.)  
☐ Terminal Disclaimer  
☐ Other: \_\_\_\_\_

Petitions & Appeals

- ☒ Petition for Extension of Time: two months  
☐ Notice of Appeal  
☐ Appeal Brief & two copies (\_\_\_\_ pgs. each)  
☐ Reply Brief (\_\_\_\_ pgs.)

Other

- ☐ Information Disclosure Statement & PTO/SB/08  
(\_\_\_\_ pgs.) (previously 1449)  
☐ Request to Publish (Rescind NonPublication)  
☐ Drawings: \_\_\_\_ sheets, \_\_\_\_ figures  
☒ Postcard

Checks

- ☒ Check No. 70139 Amount \$450.00  
☐ Check No. \_\_\_\_\_ Amount \$ \_\_\_\_\_